

**LISTING OF CLAIMS:**

Claims 1-9

10. (Previously Presented) A device for closing a left atrial appendage of a heart, said device comprising:

a shaft having a proximal end and a distal end, wherein the distal end is percutaneously adapted to enter a pericardial space, advance over an epicardial surface, and approach the exterior of the left atrial appendage; and

at least one a closing element carried by the shaft adapted to close the left atrial appendage when the distal end of the shaft is positioned adjacent the left atrial appendage.

11. (Original) A device in claim 10, wherein the shaft has a length in the range from 10 cm to 40 cm, a width in the range from 2 mm to 20 mm, and a thickness in the range from 1 mm to 10 mm.

12. (Original) A device as in claim 10, wherein the shaft is curved over its length.

13. (Original) A device as in claim 12, wherein the curvature of the shaft is adjustable.

14. (Original) A device as in claim 12, wherein the device has a crescent-shaped cross-section.

15. (Original) A device as in claim 10, wherein the distal end is configured to lie within an atrioventricular valve groove of the heart.

16. (Original) A device as in claim 15, wherein the shaft has at least one lumen which extends from the proximal end to exit ports spaced inwardly from the distal end by a distance in the range from 0.5 cm to 5 cm.

17. (Previously Presented) A device as in claim 16, wherein the closing element extends through the at least one lumen.

18. (Previously Presented) A device as in claim 17, wherein the closing element comprises a grasping tool which extends through one of the lumens, said grasping tool being adapted to temporarily grasp the left atrial appendage.

19. (Currently Amended) A device as in claim 18, wherein the grasping tool comprises a first closing element, and the device further comprises a second closing element which is adapted to permanently close the left atrial appendage while the left atrial appendage is being temporarily closed with the grasping tool.

20. (Original) A device as in claim 12, wherein the shaft has at least a second lumen.

21. (Original) A device as in claim 20, further comprising a viewing scope positionable through the second lumen in the shaft.

22. (Original) A device as in claim 10, further comprising a handle attached to the proximal end of the shaft.

23. (Original) A device as in claim 21, wherein the shaft has at least a third lumen for irrigating the pericardial space.

24. (Original) A device as in claim 10, further comprising an expander for separating the pericardium in the region of the left atrial appendage.

25. (Original) A device as in claim 24, wherein the expander comprises an inflatable balloon.

26. (Currently Amended) A kit comprising:  
a closure instrument ~~device~~; and  
instructions for use setting forth a method comprising:  
positioning a closure instrument through a percutaneous passage into a pericardial space beneath the rib cage, over an epicardial surface, and adjacent to the left atrial appendage, without passing through the pleural space; and  
closing the left atrial appendage using the closure instrument.

Claims 27-28 (Cancelled)

29. (Previously Presented) A device as in claim 10, wherein the closing element includes means for closing the left atrial appendage.

30. (Previously Presented) A device as in claim 10, wherein the closing element includes a loop to permanently close the left atrial appendage.

31. (Previously Presented) A device as in claim 10,  
wherein the closing element includes a clip to permanently close  
the left atrial appendage.